



[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2018-0829; Airspace Docket No. 18-AGL-23]

RIN 2120-AA66

Amendment of Class D and E Airspace; Milwaukee, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace and Class E airspace extending upward from 700 feet above the surface at Lawrence J. Timmerman Airport, Milwaukee, WI, due to the decommissioning of the Timmerman VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at this airport, as part of the VOR Minimum Operational Network (MON) Program. This action would also replace the outdated term “Airport/Facility Directory” with “Chart Supplement.” Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, April 25, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at http://www.faa.gov/air_traffic/publications/.

For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records

Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741-6030, or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D airspace and Class E airspace extending upward from 700 feet above the surface at Lawrence J. Timmerman Airport, Milwaukee, WI, to support IFR operations at this airport.

History

The FAA published a notice of proposed rulemaking in the FEDERAL REGISTER (83 FR 51895; October 15, 2018) for Docket No. FAA-2018-0829 to amend Class D airspace and Class E airspace extending upward from 700 feet above the surface at Lawrence J. Timmerman Airport, Milwaukee, WI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA discovered typographic errors in the airspace legal descriptions as follows:

The airport latitude coordinate in the Class D airspace legal description should be “43°06'37"N.” vice “43°06'39"N.”;

The radius in the Class D airspace legal description should be a “3.9-mile radius” vice a “4.4-mile radius”;

And the extensions in the Class E airspace extending upward from 700 feet above the surface airspace legal description at Lawrence J. Timmerman Airport, Milwaukee, WI, should be, “...and within 2 miles each side of the 218° bearing from the Lawrence J. Timmerman Airport extending from the 6.4-mile radius to 11.7 miles southwest of Lawrence J. Timmerman Airport, and within 9 miles west and 6 miles east of the 328° bearing from the Lawrence J. Timmerman: RWY15L-LOC extending from the 6.4-mile radius to 10 miles northwest of the Lawrence J. Timmerman Airport.” vice “...and within 2 miles each side of the 218° bearing from the Lawrence J. Timmerman Airport extending from the 6.4-mile radius to 11.7 miles northwest of Lawrence J. Timmerman Airport, and within 9 miles west and 6 miles east of the 328° bearing from the Lawrence J. Timmerman: RWY15-LOC extending from the 6.4-mile radius to 10 miles from the Lawrence J. Timmerman Airport.”

These errors have been corrected in this final rule.

Class D and E airspace designations are published in paragraph 5000 and 6005, respectively, of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting

Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies:

Class D airspace to within a 3.9-mile radius (reduced from a 4.4-mile radius) of Lawrence J. Timmerman Airport, Milwaukee, WI; and updates the airspace designation from “Milwaukee, Lawrence J. Timmerman Airport, WI” to “Milwaukee, WI”, removes the city from the airport name, and makes an editorial change replacing “Airport/Facility Directory” with “Chart Supplement” to comply with FAA Order 7400.2L, Procedures for Handling Airspace Matters; and

Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile radius (reduced from an 8.9-mile radius) of Lawrence J. Timmerman Airport, Milwaukee, WI; adds an extension within 2 miles each side of the 218° bearing from Lawrence J. Timmerman Airport extending from the 6.4-mile radius to 11.7 miles southwest of the airport; adds an extension within 9 miles west and 6 miles east of the 328° bearing from the Lawrence J. Timmerman: RWY 15L-LOC extending from the 6.4-mile radius to 10 miles northwest of the airport.

This action is necessary due to an airspace review caused by the decommissioning of the Timmerman VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

The typographic errors in the airspace legal descriptions have been corrected in this rule. Except for these corrections, this rule is the same as published in the NPRM.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71 --DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 5000. Class D Airspace

* * * * *

AGL WI D Milwaukee, WI [Amended]

Lawrence J. Timmerman Airport, WI
(lat. 43°06'37"N., long. 88°02'04"W.)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 3.9-mile radius of Lawrence J. Timmerman Airport, excluding that airspace within the Milwaukee, WI, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6005. Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

AGL WI E5 Milwaukee, WI [Amended]

General Mitchell International Airport, WI
(lat. 42°56'49"N., long. 87°53'49"W.)
Batten International Airport, WI
(lat. 42°45'40"N., long. 87°48'50"W.)
Waukesha County Airport, WI
(lat. 43°02'28"N., long. 88°14'13"W.)
Lawrence J. Timmerman Airport, WI
(lat. 43°06'37"N., long. 88°02'04"W.)
Lawrence J. Timmerman: RWY 15L-LOC
(lat. 43°06'20"N., long. 88°01'44"W.)

That airspace extending upward from 700 feet above the surface within a 8.4-mile radius of General Mitchell International Airport, and within an 6.6-mile radius of Batten International Airport, and within a 7.5-mile radius of Waukesha County Airport, and within 2 miles each side of the 282° bearing from Waukesha County Airport extending from the 7.5-mile radius to 10.5

miles west of Waukesha County Airport, and within a 6.4-mile radius of Lawrence J. Timmerman Airport, and within 2 miles each side of the 218° bearing from the Lawrence J. Timmerman Airport extending from the 6.4-mile radius to 11.7 miles southwest of Lawrence J. Timmerman Airport, and within 9 miles west and 6 miles east of the 328° bearing from the Lawrence J. Timmerman: RWY15L-LOC extending from the 6.4-mile radius to 10 miles northwest of the Lawrence J. Timmerman Airport.

Issued in Fort Worth, Texas, on February 4, 2019.

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